

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No. 16/2018

Date of Grievance : 11.04.2018

Hearing Date : 05.06.2018

Date of Order : 27.06.2018

In the matter of complaint of excessive and exorbitant bill and disconnection.

M/s. Jonky Food & Beverages, LLP,
(Lavender Hospitality LLP)
4th Floor, Xion Mall Next to D'mart
Hinjawadi, Pune - 411057

---- Complainant

VS

The Executive Engineer,
M.S.E.D.C.L.
Pimpri Division,

---- Respondent

Present during the hearing:

A] - On behalf of CGRF, Pune Zone, Pune.

- 1) Shri. A.P. Bhavathankar, Chairman, CGRF, PZ, Pune
- 2) Mrs. B.S. Savant, Member Secretary, CGRF, PZ, Pune
- 3) Mr. Anil Joshi, Member, CGRF, PZ, Pune.

B] - On behalf of Appellant

- 1) Mr. Surendra Purohit, Consumer Representative.

C] - On behalf of Respondent

- 1) Mr. M.K. Suryawanshi, Addl. Ex. Engr., Sangvi Sub/dn.

**M/s. Jonky Food & Beverages, LLP, Consumer No. - 170675838537,
Category of supply - 71 LT-II, Date of connection - 17.04.2017.**

Complaint about receiving excessive and exorbitant bill in the month of Dec. 2017 amounting **Rs.7,97,078/-** and claim for compensation for illegal disconnection action by the Respondent utility.

Initially the consumer, received the bill of Dec.-2017, which was revised and issued by the Respondent utility on the basis of verification of reports dated 06.10.2017 noticing meter ratio 5/5 Amp and CT Ratio 300/5 Amp. It is revealed from the verification report dt.06.10.2017 that the CTPT's meter terminus was not recording consumption of the units properly as B ph PT was missing found which resulted in .33% slow running of the meter, and even the MF which was printed on the bill of this consumer, was wrongly quoted as 1 instead of MF 60. The consumer was previously billed less. In view of these observations in the report the Respondent utility revised the bill and issued revised in the month of December-2017 claiming arrears of recovery of MF-60 difference amount from the date of connection, together with penalty and other charges. After receiving the said bill the consumer raised the dispute with the Respondent and lodged a complaint with the Respondent utility officer against the exorbitant and excessive bill. However, no satisfactory response was received by the consumer and, therefore, bill was not paid. The Respondent utility, therefore, issued notice to the Consumer for payment of the said bill along with notice for disconnection. Thereafter the consumer raised the dispute with IGRC by filing application in Form -X. The Consumer stated that the premises was occupied previously by PSC Pacific and thereafter M/s. Jonky Food & Beverages and its partners, M/s. Lavender Hospitality LLP entered into an agreement of lease on **20th June-2015**, following which M/s. Jonky Foods occupied the said premises. Since they are users and beneficiary of the connection installed in the premises and since they are the consumer within the definition of Section -2 (15) of in Electricity Act, after receiving the bill in the month of Dec.-2017 for amounting **Rs.7,99,260/-**, the bill was analyzed by the consumer and it was observed that there is was a debit item in the said bill representing adjustment which was normally shown but the value was shown as Rs.730844/-. A copy of the said bill is enclosed duly highlighted. The

consumer, therefore, issued two letters to the Respondent utility, Sangvi Sub-Division, Pune and informed the details of the bill and also requesting for the reason leading to the exorbitant bill getting generated be informed to it in detail. The consumer further stated that as per MERC, CGRF Reg. -2006, the consumer required to register the grievance before the IGRC to avoid the perceived threat of disconnection by the utility under section 56 of the Electricity Act. When the aggrieved consumer attempted to pay the current dues to the Respondent Utility the SDO, Sangvi unit of the Respondent utility informed the consumer that he (the consumer) ought to pay not only the current dues, but the entire bill. The SDO Sangvi further advised the aggrieved Consumer that in absence of specific powers, he (the SDO, Sangvi) is not empowered to accept part payment of the bill amount. The Consumer further stated that following this, the amount of **Rs.68,146/-**, was calculated and arrived at by the consumer unilaterally by himself being the average of six months' basis bill and accordingly, issued a cheque to the Respondent Utility on 19.1.2018. The concerned officer of the Respondent utility at Sangvi Office of the Utility refused to accept the said cheque for **Rs. 68,146/-** and also to acknowledge the letter of the aggrieved consumer. Therefore the cheque was not presented for encashment to the Bank and the amount was not deducted from the account of the consumer. It was confirmed by the consumer that balance amount of Rs.89,750/- was, therefore, payable in the next month, i.e. Jan.2018 which was paid by the Consumer online **4.2.2018**. However, on **14.2.2018** an employee of the Hinjewadi Section of the Respondent disconnected the supply of the Consumer @ 12.00 pm. under section 56 of the Act. Consumer stated that they were regularly paying the current bills by keeping disputed amount assigned as per provision of 56 (1) of the Act was which quoted by the consumer and further submitted that supply of the consumer should not be cut off when an amount of Rs.68,146/- had been deposited by him under protest. The Consumer had calculated six months' average amount of Rs.56,414/-. According

to the consumer they have paid amount of **Rs.89,750/-** in the month of **Dec.2017** and also had given cheque for the consolidated amount of Rs.1,00,000/- in **Jan.2018**. It is more than six months' average as per the calculation made by consumer as per 56 (1) of the Act. The remaining amount being in dispute no actual disconnection should have taken on **14.02.2018**. The disconnection made at the premises of consumer was claimed to be illegal and, therefore, in contravention as also punishable as also breach of section 56 (1) of the Act being punishable under Section 49(1) of the Electricity Act. According to consumer, he once again approached the Sangvi Sub-Division of the Respondent Utility with the said cheque for **Rs.1,00,000/-** along with letter. After contacting on Mobile phone, the SDO brought pressure on the consumer for depositing the amount of Rs.1 Lakh. The consumer, therefore, as per the instructions from the Respondent, submitted in writing to the Respondent Utility and tendered cheque of first installment under protest to prevent loss following possible disconnection to protect material in freezing kept in the hotel premises as also other material which would have been damaged and consumer would have in the process suffer the loss. Therefore, the consumer also claimed actual loss amounting Rs.80,000/- as also expenditure of Rs.50,000/- being the loss of frozen material, Rs.10,000/- for making arrangements of per 100 KVA generator and Rs.20,000/- as discount provided to the customer in that period and for the delay in arrangement of the party. The Consumer claims loss of Rs.80000/- approximately for the action of illegal disconnection under Section 56 (1) without notice and has claimed compensation and sought relief against the bill issued with debit bill adjustment in Dec.-2017, which, according to the Consumer, should be declared as bad, illegal and excessive. After filing the complaint with IGRC on **26.2.2018**, IGRC registered the case. The consumer, however, submitted that till the consumer approached this Forum on **11.4.2018** and lodged a complaint in schedule - A, IGRC had not taken any decision, though required to be taken within the period of two months. Therefore consumer has approached the Forum and filed his grievance on **18.4.2018**. The

Consumer has, accordingly prayed for **(i)** the compensation of Rs.80,000/- and similar prayer for **(ii)** revision of bill received in Dec.-2017, which as claimed, was exorbitant, illegal and **(iii)** challenged the action of disconnection with compensation. For valuing the said complaint. CGRF office issued notice to the Respondent utility on **12.4.2018**. After service of the said notices the Respondent utility appeared and filed reply to the complaint along with copy of verification report, bill revision assessment details of rates calculated and letter of permission for approval of B-80 on **28.5.2018**. The Respondent utility submitted that M/s. Lavender Hospitality, LLP and M/s. TSC Axon specific are original consumer bearing consumer no.170675838539. On 6.10.2017, inspection was carried out by Division and -B Ph of the PT was found missing, wrong MF calculation as 1 (one), whereas correct meter ratio 5/5Amp and CT ratio 300/5A and proposed MF 60 as per verification report and accordingly 'B-80' was prepared on 24.11.2017 for amounting to **Rs. 7,09,778/-** and the bill was issued as per directions of IGRC on 6.3.2018. Instructions were given to calculate the difference of MF & PT missing from the date of connection. Accordingly the work was carried out PF penalty recalculated and B-80 of **Rs.2,90,878/-** was prepared when the consumer approached the Sub-Division office. After disconnection the consumer asked for the installments for the outstanding balance amount. According to the Respondent utility the statement and revised bill issued to the consumer are legal, and valid and proper as per Register and also the method of calculation provided under the situation. Therefore consumer is liable to pay the said bill and recovery should be directed. Accordingly the grievance made by the consumer though initial payment of Rs.1 Lakh was made by the cheque. However, the cheque tendered by the Consumer was dishonor by the Bank and as per provisions, following the dishonor of the cheque, outstanding payment was demanded by the Respondent, but not paid. Therefore the action of disconnection was taken by the Respondent. Following this, the consumer deposited Demand Draft for Rs. 1 Lakh which realized after four days of submission. In the meantime the bill

amount was outstanding against the consumer and hence, action of disconnection was taken which cannot be said to be illegal. The Respondent utility, therefore, prayed for dismissal of the complaint with cost. The Respondent utility also submitted copy of MRI data, calculation sheet, revised bill assessment, report of verification with details of formula calculation of B phase PT meter missing calculation 33.33% less as per compared to MRI data retrieval.

I have perused documents and correspondence filed by the consumer and copy of the complaint in Form No. X together with related correspondence. I have also perused copy of letter given by consumer on 18.5.18, respondent utility filed copy of MRI along with detailed calculation sheet and revised bill, 'B-80' prepared as per directions of IGRC to claimed MF arrears recovery and penalty charge against the consumer with interest. After perusing contention of the consumer and the Respondent utility, the verification report submitted by the utility, as per Annexure - 3. I have given an opportunity to both the parties to appear before the Forum on **29.5.2018**. The matter was heard by the Forum carefully. The data submitted lastly by the Respondent utility on **2.06.2018** was perused by me carefully. After perusing the dispute, following points arose for my consideration and my finding to the points for the reason is given below:-

- 1) Whether the Respondent utility entitled to claim revised bill arrears of wrong billing and MF recovery bill since date of connection and slowness of 33.3% arrears claims of Rs.7,99,000/- & Rs.2,98,000/- from the consumer?
- 2) Whether consumer is entitled for compensation for alleged illegal disconnection on 14.2.2017.
- 3) Whether consumer is entitled for any relief?
- 4) What order?

Reasoning:-

It appears from the record that M/s. Lavender Hospitality under the partnership agreement entered lease deed with M/s. PSC Pacific and occupied the premises as per the agreement provided on **20.5.2015**. The said fact is not denied by the Respondent utility. Admittedly the date of connection is 18.4.2017. The bill dispute by consumer for Dec.2017 is minutely perused. The 71- LT:IIC, sanctioned load 140 KW, Contract demand 175 KVA. The intention of the consumer to challenge the bill issued in Dec.2017 is minutely seen and verified as per the copy of verification report provided to the Forum. The copy of verification report indicates that the sanctioned load is 140 KW, contract demand is 175 KVA, Meter CT ratio is 5/5Amp, CT Ratio is 300/5A and MF 60 was required to be displayed on the bills. But since the date of connection the 'MF 01' was shown and the bills were generated accordingly. Therefore the difference of calculation with MF 60 is necessary. The Respondent utility assessed the said bill of wrongly communicated MF-01 earlier to the consumer. The verification report further revealed that the voltage of the meter R, Y , B Ph. as shown R 214 V, Y- 210 V and B 0 (V) phase missing and current on the meter display shows as R 0.42 Amp, Y 0.55 Amp & B 0.16 Amp and I/Current are as R Ph 25 Amp, Y Ph- 23Amp, B ph -16A respectively. As per the verification report the assessment was prepared by the Respondent utility by giving reasonable PF incentive and calculated PF penal charges. The units recorded at the B Ph. are 26409 which were calculated as per formula and the 'B-80' was prepared and bill was issued in Dec.-2017 to which consumer raised the dispute alleging the said bill issue in Dec.2017 was exorbitant and for which no clarification is received from the Respondent. Thereafter the Respondent utility retrieved MRI data. After calculation and verification of the report which indicates the B ph of PT was missing, and it is seen through the record of the MRI data as per Annexure - 1 (Tampered Data Report) and Annexure - 2 (Billing Profile). Also the Verification Report dt. 06.10.2017 was verified by the Technical Member and it is Annexure- 3 as below:

Annexure - I

Tamper Data Report												
Meter Serial Number	806928		Manufacturer Name				HPL Electric & Power Pvt. Ltd.		Firmware Version		HPLCT05XXX02	
Internal CT Ratio	1		Meter Type				3P-4W		Meter Year of		2015 (YYYY)	
Internal PT Ratio	1		Download time(RTC)									
			29/05/2018 05:29:07 (DD/MM/YYYY HH:MM:SS)									
0.0.96.11.0.255 (Voltage Events)	0.0.1.0.0.255 (RTC)	Duration(D:H:M:S)	1.0.31.7.0.255 (I-R)	1.0.51.7.0.255 (I-Y)	1.0.71.7.0.255 (I-B)	1.0.32.7.0.255 (V-RN)	1.0.52.7.0.255 (V-YN)	1.0.72.7.0.255 (V-BN)	1.0.33.7.0.255 (PF-R)	1.0.53.7.0.255 (PF-Y)	1.0.73.7.0.255 (PF-B)	1.0.1.8.0.255 (Cum kWh)
(6)PT Link Miss-R	17/01/2018 17:36	222.06:22:00	0.00	0.00	0.00	250.27	248.93	242.74	1	1	1	621.5
(5)PT Link Miss-O	09/06/2017 11:14		0.57	0.23	0.28	209.19	202.44	0	-0.96	0.2	0	3.4
(12)Voltage Unbal-R	17/01/2018 17:36	222.15:28:00	0.00	0.00	0.00	250.31	248.8	242.64	1	1	1	621.5
(11)Voltage Unbal-O	09/06/2017 02:08		0.18	0.30	0.02	219.59	212.21	0	-0.97	0.58	0	2.8
0.0.96.11.1.255 (Current Events)	0.0.1.0.0.255 (RTC)	Duration(D:H:M:S)	1.0.31.7.0.255 (I-R)	1.0.51.7.0.255 (I-Y)	1.0.71.7.0.255 (I-B)	1.0.32.7.0.255 (V-RN)	1.0.52.7.0.255 (V-YN)	1.0.72.7.0.255 (V-BN)	1.0.33.7.0.255 (PF-R)	1.0.53.7.0.255 (PF-Y)	1.0.73.7.0.255 (PF-B)	1.0.1.8.0.255 (Cum kWh)
(64)Current Unbal-R	--	In process	--	--	--	--	--	--	--	--	--	--
(63)Current Unbal-O	28/04/2018 10:03		0.28	0.10	0.12	241.22	242.19	234.45	0.61	0.58	0.67	1071.7
(64)Current Unbal-R	27/04/2018 19:20	7.04:51:00	0.47	0.60	0.48	245.81	247.67	240.22	0.73	0.94	0.89	1069.5
(63)Current Unbal-O	20/04/2018 14:29		1.52	0.94	1.00	239.36	240.59	233.86	0.87	0.84	0.83	1032.7
(64)Current Unbal-R	20/04/2018 14:01	10.03:13:00	1.26	1.15	0.98	241.34	242.42	235.66	0.85	0.89	0.83	1032.4
(63)Current Unbal-O	10/04/2018 10:48		0.41	0.29	0.13	240.28	240.79	233.63	0.76	0.93	0.72	983.1
(64)Current Unbal-R	09/04/2018 23:35	01:14:00	0.50	0.64	0.63	246.19	246.74	239.15	-0.46	-0.34	-0.08	982.2
(63)Current Unbal-O	09/04/2018 22:21		0.78	0.58	0.47	240.63	241.81	234.72	-0.94	-0.78	-0.61	981.9
(64)Current Unbal-R	09/04/2018 18:11	00:52:00	0.44	0.59	0.59	247.8	248.73	241.83	-0.71	-0.57	-0.58	980.9
(63)Current Unbal-O	09/04/2018 17:19		0.60	0.90	0.72	243.69	244.93	238.2	-0.81	-0.86	-0.73	980.7
(64)Current Unbal-R	09/04/2018 12:34	01:51:00	0.45	0.59	0.49	239.22	240.65	233.82	-0.66	-0.54	-0.41	979.7
(63)Current Unbal-O	09/04/2018 10:43		0.58	0.85	0.64	238.53	239.63	233.19	-0.76	-0.78	-0.44	979.2
(64)Current Unbal-R	08/04/2018 15:28	04:15:00	0.94	0.98	0.80	237.08	237.51	230.62	-0.97	-0.92	-0.92	975.8
(63)Current Unbal-O	08/04/2018 11:13		0.43	0.71	0.65	236.56	236.67	229.83	-0.77	-0.7	-0.73	973.9
(64)Current Unbal-R	07/04/2018 18:46	05:48:00	0.47	0.58	0.50	239.49	238.85	232.44	-0.83	-0.65	-0.36	971.2
(63)Current Unbal-O	07/04/2018 12:58		1.19	0.88	0.80	244.98	245.48	238.52	0.99	-0.99	-0.99	968.5
(64)Current Unbal-R	06/04/2018 12:37	00:59:00	0.50	0.59	0.67	242.14	243.29	236.64	-0.83	-0.61	-0.74	963.8
(63)Current Unbal-O	06/04/2018 11:38		0.62	0.90	0.72	238.65	239.57	233.7	-0.94	-0.89	-0.78	963.6
(64)Current Unbal-R	05/04/2018 15:01	03:24:00	0.43	0.57	0.52	241.04	242.41	236.01	-0.82	-0.55	-0.31	960.5
(63)Current Unbal-O	05/04/2018 11:37		0.62	0.89	0.61	242.44	242.88	236.02	-0.91	-0.87	-0.67	959.3
(64)Current Unbal-R	03/04/2018 18:53	03:42:00	0.51	0.60	0.62	248.38	248.27	241.04	-0.66	-0.53	-0.46	952.2
(63)Current Unbal-O	03/04/2018 15:11		0.40	0.03	0.13	236.88	236.6	230.87	0.64	0.66	0.7	951.3
(64)Current Unbal-R	02/04/2018 18:55	15.02:36:00	0.50	0.58	0.54	246.48	246.35	239.02	-0.75	-0.51	-0.26	948.6
(63)Current Unbal-O	18/03/2018 16:19		0.56	0.53	0.37	244.58	245.41	238.56	0.65	0.96	0.87	875.5
(64)Current Unbal-R	18/03/2018 11:35	282.09:27:00	0.47	0.65	0.50	240.63	241.78	235.21	0.66	0.93	0.93	873.2
(63)Current Unbal-O	09/06/2017 02:08		0.14	0.31	0.02	219.54	212.16	0	0.94	0.6	0	2.8
0.0.96.11.2.255 (Power Events)	0.0.1.0.0.255 (RTC)	Duration(D:H:M:S)										
(102)Power Failure-R	29/05/2018 16:09	00:01:00										
(101)Power Failure-O	29/05/2018 16:08											
(102)Power Failure-R	29/05/2018 15:55	00:04:00										
(101)Power Failure-O	29/05/2018 15:51											
(102)Power Failure-R	28/05/2018 03:56	00:01:00										
(101)Power Failure-O	28/05/2018 03:55											
(102)Power Failure-R	28/05/2018 03:47	00:11:00										
(101)Power Failure-O	28/05/2018 03:36											
(102)Power Failure-R	20/05/2018 18:26	00:01:00										
(101)Power Failure-O	20/05/2018 18:25											
(102)Power Failure-R	20/05/2018 17:05	00:03:00										
(101)Power Failure-O	20/05/2018 17:02											
(102)Power Failure-R	17/04/2018 14:09	00:03:00										
(101)Power Failure-O	17/04/2018 14:06											
(102)Power Failure-R	10/04/2018 10:46	00:01:00										
(101)Power Failure-O	10/04/2018 10:45											

Annemure - 2

BILLING PROFILE (1.0.98.1.0.255)									
Meter Serial Number	806928	Manufacturer Name		HPL Electric & Power Pvt. Ltd.		Firmware Version		HPLCT05XXX02	
Internal CT Ratio	1	Meter Type		3P-4W		Meter Year of Manufacture		2015 (YYYY)	
Internal PT Ratio	1	Download time(RTC)							29/05/2018 05:29:07 (DD/MM/YYYY HH:MM:SS)
Parameter Name	OBIS Code-Att	Current Bill	BILL 1	BILL 2	BILL 3	BILL 4	BILL 5	BILL 6	
Billing Date		29/05/2018 17:48	01/05/2018	01/04/2018 00:00	01/03/2018 00:00	01/02/2018 00:00	01/01/2018 00:00	01/12/2017 00:00	
System PF for Billing Period	1.0.13.0.0.255-2	0.9	0.86	0.81	0.83	0.84	0.86	0.85	
Cumulative Energy - kWh	1.0.1.8.0.255-2	1237.7 kWh	1086.4 kWh	939.6 kWh	794.2 kWh	676.2 kWh	579.4 kWh	489.2 kWh	
Cumulative Energy-kWh-TZ1	1.0.1.8.1.255-2	302.9 kWh	274 kWh	243 kWh	211 kWh	180.9 kWh	155.4 kWh	131.3 kWh	
Cumulative Energy-kWh-TZ2	1.0.1.8.2.255-2	497.9 kWh	423.6 kWh	355.9 kWh	293.6 kWh	250.2 kWh	215.7 kWh	182.3 kWh	
Cumulative Energy-kWh-TZ3	1.0.1.8.3.255-2	117.1 kWh	104.6 kWh	89.9 kWh	76.5 kWh	65.3 kWh	55.8 kWh	47.4 kWh	
Cumulative Energy-kWh-TZ4	1.0.1.8.4.255-2	319.8 kWh	284.2 kWh	250.8 kWh	213.1 kWh	179.8 kWh	152.5 kWh	128.2 kWh	
Cumulative Energy-kWh-TZ5	1.0.1.8.5.255-2	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	
Cumulative Energy-kWh-TZ6	1.0.1.8.6.255-2	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	
Cumulative Energy-kWh-TZ7	1.0.1.8.7.255-2	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	
Cumulative Energy-kWh-TZ8	1.0.1.8.8.255-2	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	0 kWh	
Cumulative Energy - kVAh - Lag	1.0.5.8.0.255-2	678.8 kVAh	627 kVAh	554.9 kVAh	457 kVAh	384.2 kVAh	324.9 kVAh	274.9 kVAh	
Cumulative Energy - kVAh - Lead	1.0.8.8.0.255-2	64.1 kVAh	62.5 kVAh	62.5 kVAh	62.5 kVAh	62.5 kVAh	62.5 kVAh	62.5 kVAh	
Cumulative Energy - kVAh	1.0.9.8.0.255-2	1441.9 kVAh	1275 kVAh	1104.5 kVAh	927.1 kVAh	786.5 kVAh	671.3 kVAh	567.1 kVAh	
Cumulative Energy-kVAh-TZ1	1.0.9.8.1.255-2	363.7 kVAh	328.7 kVAh	291.5 kVAh	250.1 kVAh	213.2 kVAh	182.2 kVAh	153.8 kVAh	
Cumulative Energy-kVAh-TZ2	1.0.9.8.2.255-2	583.8 kVAh	503.8 kVAh	425.3 kVAh	349.5 kVAh	296.2 kVAh	253.9 kVAh	214.4 kVAh	
Cumulative Energy-kVAh-TZ3	1.0.9.8.3.255-2	139.5 kVAh	125.2 kVAh	107.8 kVAh	91.4 kVAh	78 kVAh	66.4 kVAh	56.4 kVAh	
Cumulative Energy-kVAh-TZ4	1.0.9.8.4.255-2	354.9 kVAh	317.3 kVAh	279.9 kVAh	236.1 kVAh	199.1 kVAh	168.8 kVAh	142.5 kVAh	
Cumulative Energy-kVAh-TZ5	1.0.9.8.5.255-2	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	
Cumulative Energy-kVAh-TZ6	1.0.9.8.6.255-2	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	
Cumulative Energy-kVAh-TZ7	1.0.9.8.7.255-2	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	
Cumulative Energy-kVAh-TZ8	1.0.9.8.8.255-2	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	
Maximum Demand - kW	1.0.1.6.0.255-2	0.776 kW	0.758 kW	0.698 kW	0.646 kW	0.464 kW	0.368 kW	0.37 kW	
MD kW - Date & Time	1.0.1.6.0.255-5	11/05/2018 20:30	20/04/2018	25/03/2018 13:30	22/02/2018 21:30	20/01/2018 21:00	31/12/2017 22:30	05/11/2017 16:30	
Maximum Demand-kW-TZ1	1.0.1.6.1.255-2	0.776 kW	0.39 kW	0.624 kW	0.62 kW	0.456 kW	0.368 kW	0.272 kW	
MD kW-TZ1 - Date & Time	1.0.1.6.1.255-5	11/05/2018 23:00	22/04/2018	11/03/2018 22:30	23/02/2018 23:30	20/01/2018 23:00	31/12/2017 22:30	04/11/2017 23:30	
Maximum Demand-kW-TZ2	1.0.1.6.2.255-2	0.724 kW	0.758 kW	0.698 kW	0.582 kW	0.428 kW	0.308 kW	0.37 kW	
MD kW-TZ2 - Date & Time	1.0.1.6.2.255-5	26/05/2018 12:30	20/04/2018	25/03/2018 13:30	28/02/2018 14:30	27/01/2018 15:00	14/12/2017 15:30	05/11/2017 16:30	
Maximum Demand-kW-TZ3	1.0.1.6.3.255-2	0.334 kW	0.334 kW	0.622 kW	0.514 kW	0.348 kW	0.298 kW	0.188 kW	
MD kW-TZ3 - Date & Time	1.0.1.6.3.255-5	20/05/2018 12:00	26/04/2018	18/03/2018 12:00	19/02/2018 12:00	26/01/2018 12:00	08/12/2017 12:00	09/11/2017 12:00	
Maximum Demand-kW-TZ4	1.0.1.6.4.255-2	0.776 kW	0.564 kW	0.64 kW	0.646 kW	0.464 kW	0.362 kW	0.264 kW	
MD kW-TZ4 - Date & Time	1.0.1.6.4.255-5	11/05/2018 20:30	18/04/2018	11/03/2018 21:30	22/02/2018 21:30	20/01/2018 21:00	31/12/2017 22:30	04/11/2017 21:30	
Maximum Demand-kW-TZ5	1.0.1.6.5.255-2	0 kW	0 kW	0 kW	0 kW	0 kW	0 kW	0 kW	
MD kW-TZ5 - Date & Time	1.0.1.6.5.255-5	00/00/0000 00:00	00/00/0000	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	
Maximum Demand-kW-TZ6	1.0.1.6.6.255-2	0 kW	0 kW	0 kW	0 kW	0 kW	0 kW	0 kW	
MD kW-TZ6 - Date & Time	1.0.1.6.6.255-5	00/00/0000 00:00	00/00/0000	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	
Maximum Demand-kW-TZ7	1.0.1.6.7.255-2	0 kW	0 kW	0 kW	0 kW	0 kW	0 kW	0 kW	
MD kW-TZ7 - Date & Time	1.0.1.6.7.255-5	00/00/0000 00:00	00/00/0000	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	
Maximum Demand-kW-TZ8	1.0.1.6.8.255-2	0 kW	0 kW	0 kW	0 kW	0 kW	0 kW	0 kW	
MD kW-TZ8 - Date & Time	1.0.1.6.8.255-5	00/00/0000 00:00	00/00/0000	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	
Maximum Demand-kVA	1.0.9.6.0.255-2	0.842 kVA	0.872 kVA	0.814 kVA	0.762 kVA	0.498 kVA	0.4 kVA	0.414 kVA	
MD kVA - Date & Time	1.0.9.6.0.255-5	05/05/2018 13:30	20/04/2018	25/03/2018 13:30	22/02/2018 21:30	20/01/2018 21:00	31/12/2017 22:00	05/11/2017 16:30	
Maximum Demand-kVA-TZ1	1.0.9.6.1.255-2	0.78 kVA	0.444 kVA	0.688 kVA	0.684 kVA	0.486 kVA	0.386 kVA	0.294 kVA	
MD kVA-TZ1 - Date & Time	1.0.9.6.1.255-5	11/05/2018 23:00	22/04/2018	11/03/2018 22:30	23/02/2018 23:30	20/01/2018 23:00	31/12/2017 22:30	04/11/2017 23:30	
Maximum Demand-kVA-TZ2	1.0.9.6.2.255-2	0.842 kVA	0.872 kVA	0.814 kVA	0.688 kVA	0.494 kVA	0.344 kVA	0.414 kVA	
MD kVA-TZ2 - Date & Time	1.0.9.6.2.255-5	05/05/2018 13:30	20/04/2018	25/03/2018 13:30	18/02/2018 17:00	21/01/2018 15:00	14/12/2017 15:30	05/11/2017 16:30	
Maximum Demand-kVA-TZ3	1.0.9.6.3.255-2	0.364 kVA	0.726 kVA	0.608 kVA	0.404 kVA	0.33 kVA	0.218 kVA	0.222 kVA	
MD kVA-TZ3 - Date & Time	1.0.9.6.3.255-5	03/05/2018 11:30	26/04/2018	18/03/2018 12:00	19/02/2018 12:00	26/01/2018 12:00	08/12/2017 12:00	23/11/2017 11:30	
Maximum Demand-kVA-TZ4	1.0.9.6.4.255-2	0.808 kVA	0.666 kVA	0.702 kVA	0.762 kVA	0.498 kVA	0.4 kVA	0.29 kVA	
MD kVA-TZ4 - Date & Time	1.0.9.6.4.255-5	06/05/2018 18:30	18/04/2018	11/03/2018 21:30	22/02/2018 21:30	20/01/2018 21:00	31/12/2017 22:00	04/11/2017 21:30	
Maximum Demand-kVA-TZ5	1.0.9.6.5.255-2	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	
MD kVA-TZ5 - Date & Time	1.0.9.6.5.255-5	00/00/0000 00:00	00/00/0000	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	
Maximum Demand-kVA-TZ6	1.0.9.6.6.255-2	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	
MD kVA-TZ6 - Date & Time	1.0.9.6.6.255-5	00/00/0000 00:00	00/00/0000	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	
Maximum Demand-kVA-TZ7	1.0.9.6.7.255-2	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	
MD kVA-TZ7 - Date & Time	1.0.9.6.7.255-5	00/00/0000 00:00	00/00/0000	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	
Maximum Demand-kVA-TZ8	1.0.9.6.8.255-2	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	0 kVA	
MD kVA-TZ8 - Date & Time	1.0.9.6.8.255-5	00/00/0000 00:00	00/00/0000	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	
Cumulative Energy DG kWh	1.0.1.8.128.255-2	13.3 kWh	12.2 kWh	11.3 kWh	10.7 kWh	10.4 kWh	9.9 kWh	9.4 kWh	
Cumulative Energy DG KVARH LAG	1.0.5.8.128.255-2	6.7 kVAh	6.6 kVAh	6 kVAh	5.6 kVAh	5.4 kVAh	5.1 kVAh	4.8 kVAh	
Cumulative Energy DG KVARH LEAD	1.0.8.8.128.255-2	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	0 kVAh	
Cumulative Energy DG KVAH	1.0.9.8.128.255-2	15.1 kVAh	14.1 kVAh	13 kVAh	12.2 kVAh	11.9 kVAh	11.3 kVAh	10.7 kVAh	
Maximum Demand DG kW	1.0.1.6.128.255-2	0.596 kW	0.592 kW	0.296 kW	0.2 kW	0.384 kW	0.166 kW	0.348 kW	
MD DG kW - Date & Time	1.0.1.6.128.255-5	20/05/2018 18:00	03/04/2018	27/03/2018 23:30	02/02/2018 13:00	20/01/2018 15:00	27/12/2017 12:00	20/11/2017 22:30	
Maximum Demand-DG kVA	1.0.9.6.128.255-2	0.604 kVA	0.696 kVA	0.35 kVA	0.246 kVA	0.45 kVA	0.196 kVA	0.378 kVA	
MD DG kVA - Date & Time	1.0.9.6.128.255-5	20/05/2018 18:00	03/04/2018	27/03/2018 23:30	02/02/2018 13:00	20/01/2018 15:00	27/12/2017 12:00	20/11/2017 22:30	

TOD TARIFF DATA

TOD Time	TOD Tariff
00:00 - 06:00	1
06:00 - 09:00	2
09:00 - 12:00	3
12:00 - 18:00	2
18:00 - 22:00	4
22:00 - 00:00	1

Annexure - 3

555 Maharashtra State Electricity Distribution Co.Ltd.

11

No.

VERIFICATION FORM

Date: 6/10/2019

485/	Name & Address of the Consumer		LAVENDER HOSPITALITY LLP. Xion - psc pasific mall fourth floor restaurant									
	Consumer No. / P.C.		170675838539							PC	0	
95/	Purpose for which supply is being used		Resi. / Commer. / Ind. / Other				LT-II C.					
	Tariff		Applicable				Applied					
E	Meter Details		Meter No.		806928			Make		HPL		
			Lab.No.		-			Amp.		5/5A		
			Phase 10 @ 0		3φ ct. op.			Capacity		5/5A		
			Reading		339 Kwh			Electro Static / Electro Mechanical		Digital		
Meter Reading		339 Kwh. Kwh										
Meter Condition		Working / Stop / Non Use				Working.						
Meter Seal position		Meter Body / <input checked="" type="checkbox"/> OK										
		Terminal Cover										
		Before / After Cutout										
Load		Sanctioned Load					Connected Load					
		140 KW					CD - 175 KVA					
Connected appliances Nos. Watts		Bulb/ CFL	Tube	Fan	T.V	Fridge	A.C.	P.C.	Heater	Other	Other	Total
0	Possibility of Theft of energy (if any, details thereof & action taken against theft)					Yes / No		Case 126 / 135		<input checked="" type="checkbox"/>		
1	Remarks		meter Ratio - 5/5A } MF-60 C.T. Ratio - 300/5A } Voltage in meter — R Y B 214V 210V 0V current in meter — 0.42A 0.55A 0.16A current at I/c — 25A 23A 16A									
B-phase P.T. Missing.												

Signature of Consumer / Representative

AE (store)

Signature of Inspection Officer

Signature

Accordingly the unit consumption was calculated as per MRI data as 26409 units. The said calculation and the data was verified by technical member of this Forum and it is confirmed to be in tune with the standard test meter MRI scientific investigation record. But during the course of arguments the Consumer representative Mr. Purohit declined the said report and submitted that MRI data should not be believed as it is not proper technical method. Consumer Representative insisted that average six months' bill should be calculated and assessment should be done. Accordingly instead of arguing said points, consumer strongly insisted for action against illegal disconnection and compensation claimed for it. Therefore the issue of illegal disconnection was minutely viewed by this Forum and also perused by me. It appears from the record that the consumer had approached to the utility and had given letter on 18.5.2018 admitting the claim amount and requested installments and accordingly the letter with enclosed advance cheque was submitted on **23.5.18, 30.6.18, 21.7.18 & 25.7.18**. **But** very first cheque amounting to Rs. 1 Lakh was dishonored and, therefore, the action of the consumer was foster which is resulted in demand of outstanding arrears which is made by utility at appropriate time. In the meantime when demand draft was paid and deposited by the consumer which was processed after 3 days and the action of disconnection was made, the consumer filed the receipt of reconnection charges paid by the consumer. It means there was action of disconnection. In this context I have verified the facts and circumstances in which the threat and actual disconnection has taken place, It is outset to be mentioned that the action of disconnection had taken place when the amount was not credited and deposited in the account by the consumer against the outstanding bill, as it is the admitted fact the cheque issued by the consumer was dishonoured, though on technical ground, but it had resulted in the action of disconnection which was initiated an earlier event. Therefore allegation made by the consumer for receiving compensation for loss of frozen material in the Restaurant, delay in party and cost of generator used during the period is not payable and recoverable in this proceeding as the consumer is not entitle for compensation

as per MERC, CGRF Regulations, 2006 at Clause No. 8.2(c), which reads as under –

“8.2 – If, after the completion of the proceedings, the Forum is satisfied after voting under Regulation 8.1 that any of the allegations contained in the grievance is correct, it shall issue an order to the Distribution Licensee directing it do one or more of the following things in a time bound manner, namely –

(c) to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer.

Provided, however, that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.”

According to me the action of disconnection, when consumer was well aware that he is liable to pay wrong MF recovery and slowness of meter 33.3% as B Ph PT missing awareness of this fact on the part of the consumer and this does not entitle the consumer to claim the compensation on any ground. As is evident from the consumer's attitude, approach and delay in not payment of dues at appropriate time leading to an action of disconnection which occurred on a particular day cannot be said to be absolutely illegal. Therefore I do not find any substance in the allegations of the consumer to grant any such relief.

I have made assessment and recalculated B-80 properly, the amount outstanding for earlier period since the date of connection onwards and calculated by me as per revised bill seem to be proper, legal and justified without affecting the bonafide rights of the consumer. I found those arrears of previous months was required to be recovered in six monthly installments which itself is the relief granted by this Forum. As the amount cannot be consolidated in the bill for Dec.2017, I find that the Respondent utility is entitled to recover the wrong MF of recovery as at ratio of 60 and also less bill generated 33.3% in absence of B Phase PT missing which is compared with MRI data, finally liable to be recovered from consumer, along with penalty and

interest, if any, proportionately, calculated during the period. In this situation / circumstances I am inclined to pass the following order:

Consumer was given the opportunity to substantiate his claim and examination of relevant reports of the Respondent utility and hence time limit of sixty day could not be observed strictly.

ORDER

1. Consumer complaint of Case No.16/2018 stands dismissed with cost.
2. The Respondent utility is entitled to recover the bill as per revision in assessment calculated viz. of B-80 excluding Rs.7,99,000/- & B-80 2,90,000 in Rs.4,21,656/- in equal six monthly installments along with interest and penalty payable as per rules.
3. Along with current bill consumer as liable to pay the said amount in first 6 monthly installment.
4. No order as to cost.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 25th June - 2018.

Note:

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree/Disagree

Sd/-
ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

I agree/Disagree

Sd/-
A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

I agree/Disagree

Sd/-
BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE